

MAY 10 2000



# Montana Fish, Wildlife & Parks

## INSIDE TRACKS

The Newsletter of Region One

Special Edition

Winter 2000

## Motorized Watercraft: Conflict and Opportunities

### FWP needs your input to help resolve boating conflicts

Montanans value the opportunity to boat on lakes and rivers across the Big Sky State. In northwest Montana alone, hundreds of lakes and streams offer a wide variety of boating experiences. As our waters become more crowded, all boaters have to pay attention to and respect other water users. Over the next few months, Montana Fish, Wildlife & Parks will make a concerted effort to ask boaters about water use conflicts and how to solve them.

### Background:

In the past, the FWP Commission's authority for developing regulations on Montana waters was limited to public health and safety, and the protection of property. The Commission used this authority occasionally to:

- Develop no-wake zones on waters around marinas or other high congestion areas;
- Protect the public by developing swim areas;
- Restrict vessel speeds when shoreline erosion was a problem;
- Restrict access to areas to protect wildlife, such as loon nesting or fish spawning;
- Develop special water skiing regulations on small reservoirs relating to public safety.

Often public concerns being expressed went beyond safety concerns to touch on social demands, but rules were made based on resource protection and public safety.

During the 1990s demand for use of Montana waters increased, new

watercraft such as personal watercraft (PWC) were developed and became popular and Montana's population grew as did the number of visitors to the state. Conflicts between users have escalated.

As a result of public demand the 1999 Legislature passed House Bill 626 which expanded the FWP Commission authority to regulate watercraft, through the Administrative Rule process, for "public welfare" and "the resolution of conflicts between users of motorized and nonmotorized boats."

Public welfare can be further defined as social conflicts on Montana waters. Montana waters are all "public fishing reservoirs, public lakes, rivers, and streams that are legally accessible to the public." (See related article on Page 2.)

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*FISHING AND BOATING go together on a summer day. But increasing use on Montana's waters is resulting in more boating conflicts. FWP is asking*

*citizen help in gathering input about boating use in the state. To be of help, please fill out and return the questionnaire on Page 4.*



**FREE COPY**  
PLEASE HELP YOURSELF

# The FWP Commission Calls for Public Scoping

During their Dec. 16, 1999 work session, the FWP Commission agreed that the Department should initiate **scoping of issues related to use of motorized watercraft on state waters and potential ways to resolve those issues**. The purpose of this scoping is to provide the Commission with information they can use to begin to frame statewide policies or regulations, if necessary, to address use of motorized watercraft under their expanded statutory authority. Prior to beginning a rule making process (ARM), the Commission directed the Department to determine:

- 1) the issues surrounding boating use,
- 2) the level and nature of motorized conflicts and
- 3) the public desire and possible methods to help reduce the conflicts of today and of the future.

The Commission further directed the agency to summarize

## Solutions Discussed Previously:

FWP has worked with a number of citizen advisory committees in Montana during the past few years to address specific water use issues. Through this input and general public comments, a number of possible solutions have come to light. These include:

### (Most frequently received solutions)

- **Implement no-wake speed zones within certain distances from shore;**
- **Restrict or prohibit the use of motorized craft, or certain types of motorized craft, based on the size of the waterbody;**

### (Additional solutions received)

- Restrict motorized or certain types of motorized craft on an hourly basis, e.g. PWC could only be used between 10 a.m. and 6 p.m.;
- Restrict motorized or certain types of motorized craft on a daily or seasonal basis, e.g. PWC could only be used in July and August;
- Restrict motorized or certain types of motorized craft to only man-made reservoirs, e.g. restrict usage of natural lakes or free flowing streams;
- Establish distances from shore lines for use of motorized craft;
- Establish appropriate rules on a lake by lake or river by river basis;
- Prohibit PWC from operating on any waters of the state;
- Do not implement any restrictions on any waters;
- Only address restrictions on a case by case basis after the FWP commission is petitioned for a change in use;
- Add additional restriction for persons renting motorized watercraft;
- Require all motorboat operators to complete a user safety/education course, similar to the motorcycle endorsement on drivers licenses;
- Restrict direction of travel;
- Limit horsepower of boat motors on certain waters;
- Implement speed limits and no-wake zones on certain waters.

possible solutions that other states are using or that have been previously suggested by the public and to share those ideas with the public during the scoping phase of the rule making process.

The Commission stated their desire to comprehensively address issues relating to motorized watercraft on **all** Montana waters. The Commission further noted that they are not receptive to any further petitions for action on individual bodies of water until a statewide process has been reviewed.

The Commission desires the agency to complete public scoping by March 2000. The Commission will consider the results of the scoping at their March meeting in Helena and, if appropriate, initiate the formal Administrative Rule amendment procedures at that time.

Scoping will take place in each FWP region this winter. FWP will use various techniques such as mailings to reach the non-resident public. (See Page 4 for more information.)

## A Case Study:

The Thompson Chain of Lakes (TCL) is a 3,000-acre Fishing Access Site managed by FWP. The site, located between Kalispell and Libby, includes more than 20 lakes. It is a very popular area for a wide variety of boating and recreational uses.

With increasing visitation, water use conflicts and issues relating to loon nesting have grown at the TCL. FWP approved new rules for TCL no-wake lakes which went into effect in December 1998. New statewide PWC rules were also enacted.

In 1999, FWP conducted intensive patrols of the area to inform visitors of the new regulations. FWP also conducted an intensive survey of users in the area to learn of their reaction to the new rules. The survey was taken in August and September 1999. Interviewers completed 204 interviews with water users and lakeshore owners.

Results of the survey included:

- Montana residents made up the bulk of the boaters;
- About one-third of the recreationists were aware of either of the new regulations; most homeowners were aware;
- Between 50-60 percent of those contacted believed that boaters comply with the new rules; 40-50 percent felt that personal watercraft users complied;
- More than half of those contacted agreed that the new rules increased safety, resource protection, and boating conflicts; many people did not know; less than 10 percent disagreed;
- Nearly everyone approved of the new regulations (recreationists: 96 percent; homeowners: 80 per cent).

Overall, approval of the regulations was very strong. Most people were willing to accept no-wake rules if there is a rationale, and if combined with education and enforcement. The rules are more likely to be opposed by some people who live on along the affected lakes.

# Current Montana Regulation Summary

The following is a summary of state laws and administrative rules relating to boating.

## Motorboat and Personal Watercraft (PWC):

- Motor noise must not exceed 86 decibels at 50 feet or 90 dbl at 1 meter;
- Children 12 years and younger must have someone 18 years or older to operate a craft over 10 horse power;
- Children 13-14 must have a motorboat operators' certificate or have an 18 year old present to operate a craft over 10 horse power;
- A person 15 years of age and older may operate any craft;
- A person must be 18 years old to rent a craft greater than 10 horse power;
- Water skiers must remain 50 feet from swimmer or swim area;
- All boats must remain:
  - 20 feet from swim area
  - 75 feet from a person hunting or fishing
  - 200 feet from a diver down flag;
- All motorized watercraft must remain more than 100 yards from vessel or skier while crossing a wake.
- No one may operate a motorcraft while under the influence of alcohol;
- All craft must have a PFD for everyone aboard;
- All children 12 and under must wear a PFD.

## Personal Watercraft (PWC):

- PWC must remain no-wake within 200 feet of a dock, swimmer, swimming raft, non-motorized boat or anchored vessel on a lake or river;
- PWC prohibited on the Missouri River from its headwaters near Three Forks to Pruitt Creek.

Other specific water body regulations are listed in the Montana Fishing Regulations (Pages 65-75) and in the FWP publication 'Montana Boating Laws' (Pages 20-29).



**PERSONAL  
W A T E R -  
CRAFT have  
become more  
popular and  
more contro-  
versial with  
each passing  
year. To help  
FWP make  
decisions on  
boating use,  
fill out the  
ques-  
tion-  
naire below.**

## We Need Your Input!

To be successful, we need your help and input about boating use on our Montana waters. Please complete the following brief questionnaire, clip, and mail to the indicated address.

### Questionnaire: Motorized Watercraft Conflicts and Opportunities:

1. Do you believe a problem exists with motorized use of Montana waters? Yes  No
2. If so, what specifically are your concerns?
3. What solutions would you propose to address these problems?
4. Please list any other comments you have on this issue.

Optional: Name \_\_\_\_\_ Address \_\_\_\_\_

Do you want to be included on a mailing list regarding this issue? Yes  No

**THANKS! Please return this survey by Friday, Feb. 18, 2000, to MFWP, 490 N. Meridian Rd., Kalispell, MT 59901.**

# Other States' Regulations\*

\*From: Reference Guide to State Boating Laws,  
National Assn. Of Boating Admin., fourth edition, 1998.

## Number of states relating to Personal Water Craft (PWC) that :

Require Personal Flotation Devices	all
Set minimum boating age	47
Prohibit PWC at night	49
Limit wake jumping	42
Require an adult on board with a minor	32
Prohibit operation in specific areas	28
Set speed limits	12

**Washington:** PWC have a 300 foot no-wake zone from shore or a stationary vessel;  
Mandatory education school after one water safety violation.

**Oregon:** 200 foot no-wake zone for all vessels from dock or landing;  
PWC banned from any inland river.

**Wyoming** None.

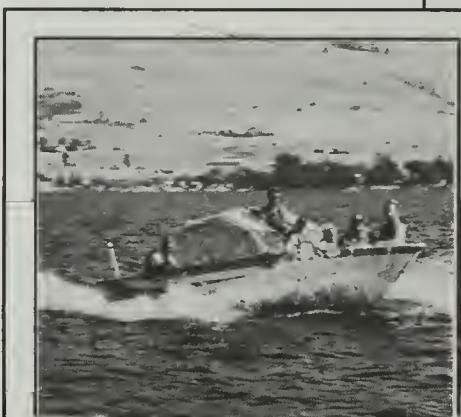
**New York** Require all boat operators to be licensed;  
PWC must remain 500 feet from any bathing area.

**Idaho** Cannot wake jump within 100 feet of vessel making the wake.

**Mass.** Prohibits PWC on lakes less than 75 acres.

**New Hamp.** Same

**Vermont** Prohibits PWC on most lakes less than 300 acres.



*NO-WAKE speed limits are one possible solution to some boating conflicts.*

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# Information

For information about public meetings, contact the following regional headquarters:

## Region 1

490 North Meridian Rd.  
Kalispell, MT 59901  
(406) 752-5501

## Region 2

3201 Spurgin Rd.  
Missoula, MT 59804  
(406) 542-5500

## Region 3

1400 South 19th  
Bozeman, MT 59718  
(406) 994-4042

## Region 4

4600 Giant Springs Rd.  
P.O. Box 6610  
Great Falls, MT 59406  
(406) 454-5840

## Region 5

2300 Lake Elmo Dr.  
Billings, MT 59105  
(406) 247-2940

## Region 6

Route 1-4210  
Glasgow, MT 59230  
(406) 228-3700

## Region 7

P.O. Box 1630  
Miles City, MT 59301  
(406) 232-0900

For more information on FWP issues, listen to:

**"Northwest Outdoors,"**

FWP's weekly radio show, Thursdays  
at 8:35 a.m. on KGEZ, 600 AM.



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